

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7718 of 2005

Between:

J. Subbaiah, S/o. Sukkaiah,
R/o. Godavarikhani, Karimnagar District.

..... PETITIONER

AND

- 1 IG/SWS/Member, RCFL Complex, Chembuoor, Mumbai.
- 2 Office of the Assistant Commandant, Central Industrial Security Force, Godavarikhani.
- 3 Sr. Commandant, CISF Unit CCCL, Bellampalli.
- 4 Commander, CISF Unit CCL, Kudam Kulam, Tamilnadu.
- 5 The Union of India, rep. by its Secretary, Ministry of Home Affairs, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or any appropriate writ or writs or directions more particularly in the nature of Writ of Mandamus declaring the transfer order of the petitioner vide Office Memorandum No.E-38014/C/CISF/SCCL. GDK/05-675, dt. 25.3.2005, passed by the 2nd respondent as arbitrary, unjust and unconstitutional.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

**Counsel for the Respondents: MR.A.RAJASHEKAR REDDY
(ASST.SOLICITOR GEN.)**

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the transfer order of the petitioner vide Office Memorandum No.E-38014/E/CISF/SCCL/GDK/05-675, dated 25.3.2005 passed by the 2nd respondent as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned standing counsel for the Central Government and perused the material on record.

There cannot be any dispute that the transfer is not only an incident of service but also one of the service conditions. An employee cannot have any right to challenge the transfer unless it is vitiated by *mala fides* or contrary to the service rules. The only ground raised by the petitioner is that his wife is working at Godavarikhani and their children are studying at Chinmaya Vidyalaya N.T.P.C., Godavarikhani and therefore, it would cause hardship to them.

In view of the proceedings of the 2nd respondent, the petitioner was already transferred and relieved from Godavarikhani and the question of re-transfer does not arise. However, the petitioner can make a representation putting forth his grievance before the 2nd

respondent, who shall have to take appropriate decision in accordance with the rules.

In the circumstances, the writ petition is disposed of directing the petitioner to made a representation to the 2nd respondent and after receipt of representation, the 2nd respondent shall have to dispose of it in accordance with the rules, within a period of two weeks from the date of receipt of such representation. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

7th April, 2005

bcj

To

- 1 IG/SWS/Member, RCFL Complex, Chembuoor, Mumbai.
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- 3 Sr. Commandant, CISF Unit CCCL, Bellampalli.
- 4 Commander, CISF Unit CCL, Kudam Kulam, Tamilnadu.
- 5 The Secretary, The Union of India, Ministry of Home Affairs, New Delhi.
6. Two C.D. copies.